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2d Session

SENATE

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# PROTOCOL TO THE 1966 INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS [ICCAT]

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APRIL 16 (legislative day, APRIL 8), 1986.—Ordered to be printed

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Mr. LUGAR, from the Committee on Foreign Relations, submitted the following

## REPORT

[To accompany Treaty Doc. 99-4]

The Committee on Foreign Relations, to which was referred the Protocol to the 1966 International Convention for the Conservation of Atlantic Tunas (ICCAT), agreed upon July 10, 1984, by the Conference of Plenipotentiaries of the Contracting Parties to the 1966 Convention, and signed by the United States on September 10, 1984 having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

### PURPOSE

The effect of the Protocol would be to allow regional integration organizations, such as the European Community (EC), whose member states have transferred competence in relevant areas to the regional organization, to accede to ICCAT.

### BACKGROUND

The International Convention for the Conservation of Atlantic Tunas (ICCAT) was negotiated in 1966. It was ratified in 1967, and entered into force in 1969. ICCAT's objectives are to study populations of tuna and tuna-like fish, and to develop recommendations to maintain them at levels which permit the maximum sustainable catch. The Convention area is the Atlantic Ocean, including the Caribbean and Mediterranean Seas. The Convention does not affect the varying views on territorial waters.

The tuna catch, including Bluefin, Bigeye, Yellowfin, Skipjack and Albacore, is important to many littoral states. The largest takers include Spain, France, Ivory Coast, Ghana and Venezuela.

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In addition, Japan, Korea, Taiwan and the Soviet Union carry on important longline fishing operations. The United States takes the ninth largest ICCAT catch, about 20,000 metric tons. Forty-one percent of the U.S. catch is Bluefin, and 15 percent Bigeye. Massachusetts is by far the State most involved in tuna, followed by Florida, New York, New Jersey, Rhode Island and Maryland.

To protect tuna resources, the ICCAT Commission, or its subordinate panels, may make recommendations to the parties. Recommendations become effective after 60 days unless there are objections. If objections are raised, there is a complicated procedure to be followed. In short, a recommendation not disapproved by a majority is likely to be implemented; however, no State can be bound by any recommendation to which it sustains an objection.

ICCAT has resulted in two notable conservation measures. Of principal interest to the United States is the controlled Bluefin area in the Western Atlantic which is reserved for the United States, Canada and Japan. Each of the three also has a maximum quota it may take from the area. The other main measure has been the limitation on the size of individual Yellowfin and Bigeye which may be taken. Some less developed countries do not enforce this limitation.

Another problem ICCAT faces is that four large takers of tuna—Turkey, Taiwan, Mexico and Italy—have not joined. Together these countries take about 80,000 metric tons per year, equal to the catch of the second largest ICCAT member. Taiwan and Mexico are of particular concern to U.S. interests in the Caribbean. Taiwan has said it will abide by ICCAT measures. Mexico has sent observers to Commission meetings, but has not made application to join.

The Protocol now before the Senate was agreed upon in 1984. It must be ratified by all parties before it can enter into force. The effect of the Protocol would be to allow regional integration organizations, such as the European Community (EC), whose member states have transferred competence in relevant areas to the regional organization, to accede to ICCAT. Presently only the EC appears interested or qualified to accede. Principal tuna fishers such as Spain, France and Portugal would be represented by the EC. Furthermore, EC membership would bring Italy under the ICCAT regime.

## Summary of the Protocol

The Protocol would add three new paragraphs to Article XIV of ICCAT. Paragraph (4) provides for adherence by regional economic integration organizations whose member states have transferred to such organizations competence over matters governed by ICCAT. Paragraph (6) states that individual states which are contracting parties and members of regional organizations which adhere to ICCAT shall cease to be parties.

## Date of Entry Into Force and Termination

The proposed Protocol to ICCAT would enter into force on the thirtieth day after deposit of the instruments of ratification, approval or acceptance of all the contracting parties. ICCAT itself re-

mains in force until a majority of contracting parties agree to terminate it, although any party may withdraw with one year notice.

## COMMITTEE ACTION

The Committee on Foreign Relations held public hearings on the proposed Protocol to ICCAT, as well as on other protocols and conventions, on March 18, 1986. The hearing was chaired by Senator Evans. The Committee considered ICCAT at its business meeting on April 10, 1986, and agreed by unanimous consent to recommend that the Senate give its advice and consent to ratification.

## BUDGET IMPACT

The Congressional Budget Office has indicated by the letter following that ratification of the Protocol will result in no cost to Federal, State or local governments:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, April 10, 1986.*

Hon. RICHARD LUGAR,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed Treaty Document 99–4, the Protocol to the Convention for the Conservation of Atlantic Tunas, as ordered reported by the Senate Committee on Foreign Relations, April 10, 1986.

This protocol would amend the 1966 International Convention for the Conservation of Atlantic Tunas to allow intergovernmental economic integration organizations, such as the European Economic Community, to become contracting parties to the Convention. Based on our review, CBO estimates that ratification of this protocol would result in no cost to the Federal Government or to State or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner, Director).

## TEXT OF THE RESOLUTION OF RATIFICATION

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol to the 1966 International Convention for the Conservation of Atlantic Tunas (ICCAT), agreed upon July 10, 1984 by the Conference of Plenipotentiaries of the Contracting Parties to the 1966 Convention, and signed by the United States on September 10, 1984.

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